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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,913	04/10/2001	Yasuhiro Kujirai	35.C 15295	7195
5514	7590	09/30/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER

2121

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,913

Applicant(s)

KUJIRAI, YASUHIRO

Examiner

Thomas K Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

First Action on the Merits

1. Claims 1-18 of U.S. Application 09/828,913 filed on 04/10/2001 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

6. Claims 1-6, 8-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,202,056 ("Nuttall").

Regarding claim 1

Nuttall teaches an information processing system outputting output data to which copyright data have been attached, comprising: a copyright management device comprising copyright management means for managing information on copyright of said output data (col. 4 lines 1-5, "for management by content ... provider preparation node"); and an information processing device comprising output process means for selectively utilizing the information obtained from said copyright data or said copyright management device to execute output processing of said output data (col. 4 lines 8-22, "To request a data transfer ... completing the data transfer").

Regarding claims 2 and 10

Nuttall teaches selection is made responding to a predetermined condition that has been set to said copyright data (col. 6 lines 50-59, "Process 308 validates ... the request is ignored").

Regarding claims 3 and 11

Nuttall teaches predetermined condition is time information (col. 7 lines 34-39, "the current date and time ... and the transactions stops").

Regarding claims 4 and 12

Nuttall teaches the time information is anyone of a final updated date and an effective limit date of said copyright data (col. 7 lines 34-39, "the current date and time ... and the transactions stops").

Regarding claims 5 and 13

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5. The information processing system according to claim 1, wherein said selection is made that said copyright data is selected in case that the information is not able to be obtained from said copyright management device.

Regarding claims 6 and 14

Nuttall teaches information processing device comprises output log preparation means for preparing output logs based on compensation information being included in said copyright data (col. 4 lines 32-47, “when authorizing node ... time to time to reconciling node 118”).

Regarding claims 8 and 16

Nuttall teaches an output log management device for summing up and analyzing the output logs prepared by said output log preparation means (col. 4 lines 47-55, “By comparing reports content ... with reference to line 144”).

Regarding claims 9, 17 and 18

Nuttall teaches information processing device being capable of communicating with a copyright management device for managing information on copyright of output data (col. 4 lines 1-5, “for management by content ... provider preparation node”), comprising: selection means for selecting anyone of either copyright data attached to said output data or information obtained from said copyright management device (col. 4 lines 8-13, “To request a data transfer ... content providing node 108”); and output process means for executing output processing of said output data utilizing the information selected by said selection means (col. 4 lines 14-22, “Content providing node 108 ... completing the data transfer”).

Claim Rejections - 35 USC § 103

7. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nuttall.

Regarding claims 7 and 15

Nuttall teaches compensation information is points that correspond to the output process (col.

lines 42-47, "When the data transfer ... to reconciling node 118"). Nuttall does not teach the information processing device comprising currency conversion means for converting said points into currency units, said output log preparation means converting said points into currency units by said currency conversion means to prepare the output logs. "Official Notice" is taken for both the concept and advantages of converting points into money or currency units is well known and expected in the art. Japanese Patent No. 09-101988 ("Ishigami") teaches a point card system with which evaluated money exchange service can be received (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the currency conversion means for converting points into currency units because it would provide for convenience of the customer and easier to manage by the information processing device.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 or the new number (571) 272-3689 beginning Oct. 13th, 2004, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179 (or (571) 272-3687 starting Oct. 13th, 2004).

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

September 27, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600